

MAIL STOP PCT

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER		
TYOS123084		
U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)		
10/500,192		
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	EARLIEST PRIORITY DATE CLAIMED
PCT/JP03/10432	August 19, 2003	August 20, 2002
TITLE OF INVENTION		
BIAXIALLY ORIENTED POLYESTER CONTAINER AND METHOD OF MANUFACTURING THE CONTAINER		
APPLICANT(S) FOR DO/EO/US		
Norihisa HIROTA and Satoshi SHIBATA		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information by **Express Mail**:

- \_\_\_\_\_ 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- X   2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 37 U.S.C. 371.
- \_\_\_\_\_ 3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
- \_\_\_\_\_ 4. The US has been elected (Article 31).
- \_\_\_\_\_ 5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - \_\_\_\_\_ a. is attached hereto (required only if not communicated by the International Bureau).
  - \_\_\_\_\_ b. has been communicated by the International Bureau.
  - \_\_\_\_\_ c. is not required, as the application was filed in the United States Receiving Office (RO/US).
- \_\_\_\_\_ 6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>LLC</sup>  
1420 Fifth Avenue  
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Seattle, Washington 98101  
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- \_\_\_\_ 7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
- \_\_\_\_ a. are attached hereto (required only if not communicated by the International Bureau).
- \_\_\_\_ b. have been communicated by the International Bureau.
- \_\_\_\_ c. have not been made; however, the time limit for making such amendments has NOT expired.
- \_\_\_\_ d. have not been made and will not be made.
- \_\_\_\_ 8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- X 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- \_\_\_\_ 10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

- \_\_\_\_ 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
- \_\_\_\_ 12. An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
- \_\_\_\_ 13. A preliminary amendment.
- \_\_\_\_ 14. An Application Data Sheet under 37 C.F.R. 1.76..
- \_\_\_\_ 15. A substitute specification.
- \_\_\_\_ 16. A power of attorney and/or change of address letter.
- \_\_\_\_ 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13<sup>ter</sup>.2 and 37 C.F.R. 1.821 – 1.825.
- \_\_\_\_ 18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
- \_\_\_\_ 19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- \_\_\_\_ 20. Other items or information:

The following fees are submitted:.				<b>CALCULATIONS</b>	
21. _____ a) Basic national fee..... \$300.00				\$--	
22. _____ b) Examination fee				\$--	
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$100.00					
All other situations..... \$200.00					
23. _____ c) Search fee				\$--	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100.00					
International Search Report prepared and provided to the Office ..... \$400.00					
All other situations..... \$500.00					
<b>TOTAL OF ABOVE CALCULATIONS =</b> \$1,000.00				\$--	
_____ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate		
- 100 =	/50=		x \$250	\$--	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$50.00	\$--	
Independent claims	- 3 =		x \$200.00	\$--	
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			+ \$360.00	\$--	
03/07/2005 KAYPREH 00000142 19300192 01 FC:1617				<b>TOTAL OF ABOVE CALCULATIONS =</b>	\$130.00
_____ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$--	
<b>SUBTOTAL =</b>				\$130.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$--	
<b>TOTAL NATIONAL FEE =</b>				\$130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$--	
<b>TOTAL FEES ENCLOSED =</b>				\$130.00	

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	Amount to be: refunded	\$
	Amount to be charged:	\$

- X a. Check No. 161725 in the amount of \$130.00 to cover the above fees is enclosed.
- X b. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1740. A duplicate copy of this sheet is enclosed.


SEND ALL CORRESPONDENCE TO:

**Customer No. 26389**

Dennis K. Shelton  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
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Respectfully submitted,

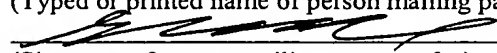
CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

  
Dennis K. Shelton  
Registration No. 26,997  
Direct Dial No. 206.695.1718

**EXPRESS MAIL CERTIFICATE**

Express Mail No.: EV 534747688 US  
Date of Deposit: February 25, 2005

I hereby certify that this document and the enclosures listed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gregg Peria-Hansen  
(Typed or printed name of person mailing paper or fee)  
  
(Signature of person mailing paper or fee)

DKS:cj

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## UNITED STATES PATENT AND TRADEMARK OFFICE

To: DKS

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/500,192	Norihisa Hirota	TYOS123084

INTERNATIONAL APPLICATION NO.	
PCT/JP03/10432	
LA. FILING DATE	PRIORITY DATE
08/19/2003	08/20/2002

26389  
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 SEATTLE, WA 98101-2347

CONFIRMATION NO. 9236

371 FORMALITIES LETTER



\*OC000000014828512\*

**DOCKETED**

Date Mailed: 12/30/2004

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/23/2004
- Copy of the International Search Report filed on 06/23/2004
- Information Disclosure Statements filed on 09/07/2004
- Request for Immediate Examination filed on 06/23/2004
- U.S. Basic National Fees filed on 06/23/2004
- Priority Documents filed on 06/23/2004

PROCESSED DOCKETING

**RCD**

JAN 03 2005

CHRISTENSEN, O'CONNOR  
JOHNSON & KINDNESS

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 305-3654

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/500,192	PCT/JP03/10432	TYOS123084

FORM PCT/DO/EO/905 (371 Formalities Notice)